



ORDER NOT FOR PUBLICATION

UNITED STATES BANKRUPTCY COURT

CENTRAL DISTRICT OF CALIFORNIA

LOS ANGELES DIVISION

In re:

**ALIYAH N. HOWARD
aka ALIYAH NOUBESE HOWARD,**

Debtor.

Case No. 2:16-bk-10834-RK

Chapter 7

**ORDER CONDITIONALLY GRANTING
DEBTOR'S MOTION FOR VACATING
DISMISSAL AND REINSTATING
CHAPTER 7 CASE**

[No Hearing Required]

Pending before the court is Debtor Aliyah N. Howard's ("Debtor") motion to vacate dismissal of and reinstating her Chapter 7 case ("Motion"). ECF 22. On February 25, 2016, the court entered an order dismissing Debtor's Chapter 7 case for failure to submit Official Form 106Sum or 206Sum ("Form") of her case opening documents. ECF 19.

Having considered the Motion, the court determines that Debtor, who is self-represented, in her Motion has provided sufficient explanation to show that her failure to file the required Form by the deadline was due to "excusable neglect" in mistakenly overlooking the requirement to file the Form to warrant reconsideration of the dismissal of her bankruptcy case under Federal Rule of Bankruptcy Procedure ("Bankruptcy Rule") 9024, which incorporates by reference Federal Rule of Civil Procedure ("Civil Rule") 60(b)(1). Debtor also attached the Form as an exhibit to her Motion in compliance with

1 Local Bankruptcy Rule 1017-2(c)(1), ECF 22, and filed the Form on the Docket
2 concurrently with the Motion, ECF 24. However, the Motion itself is procedurally
3 defective, since the Motion is not supported by a declaration "under penalty of perjury" as
4 required by Local Bankruptcy Rule 1017-2(c)(1).

5 Nevertheless, in considering the totality of the circumstances of Debtor's Motion,
6 including her self-represented status and the explanation of her circumstances,

7 IT IS ORDERED as follows:

- 8 1. Debtor's Motion is GRANTED pursuant to Bankruptcy Rule 9024 and Local
9 Bankruptcy Rules 1017-2(c)(1) and 9013-1(q), subject to the condition that
10 Debtor remedies the procedural defect of her Motion not being made under
11 a declaration under penalty of perjury as set forth in paragraph 5 below.
- 12 2. The order dismissing this bankruptcy case is hereby VACATED, and the
13 case is reinstated as an active bankruptcy case.
- 14 3. The Chapter 7 trustee is ordered to be reappointed to administer Debtor's
15 Chapter 7 case.
- 16 4. To remedy the procedural defect of the lack of a declaration under penalty
17 of perjury, Debtor is ordered to refile her declaration under penalty of
18 perjury by April 8, 2016 as required by Local Bankruptcy Rule 1017-2(c)(1),
19 or otherwise, the court may reconsider and vacate this order and issue
20 another order for dismissal.

21 IT IS SO ORDERED.

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24 Date: March 7, 2016



Robert Kwan
United States Bankruptcy Judge